

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

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<i>In re</i>	}	Chapter 11 , SBRA
BLANK LABEL GROUP, INC.	}	Case No. 20-11201-JEB
Debtor	}	
<hr/>	}	
BLANK LABEL GROUP, INC.	}	
Debtor-Plaintiff	}	
	}	Adversary Proceeding No.
-vs.-	}	20-01130-JEB
	}	
AMERICAN EXPRESS NATIONAL BANK,	}	
FUNDATION GROUP, LLC and WEST TOWN	}	
BANK & TRUST	}	
Creditors-Defendants	}	
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DEFENDANT FUNDATION GROUP, LLC'S ANSWER WITH AFFIRMATIVE DEFENSES
TO BLANK LABEL'S ADVERSARY COMPLAINT
(Doc. NO. 1)

NOW COMES Fundation Group, LLC (hereinafter sometimes referred to as "the Defendant" or "Fundation"), by and through its undersigned counsel, Braucher & Amann, PLLC and hereby answers the Chapter 11 Adversary Complaint as follows:

- 1-4. The Defendant admits the allegations set forth in paragraphs (1) through (4) of the Complaint.
- 5-6. The Defendant is without sufficient information to admit or deny the allegations in paragraphs (5) and (6).
7. The Defendant admits the allegations set forth in paragraph (7).
8. The Defendant is without sufficient information to admit or deny the allegations in paragraph (8).
- 9-10. The Defendant is without sufficient information to admit or deny the allegations in paragraphs (9) and (10).

11-15. The Defendant is without sufficient information to admit or deny the allegations in paragraphs (11) through (15).

16-18. The Defendant is without sufficient information to admit or deny the allegations in paragraphs (16) through (18).

19. The Defendant admits the allegations set forth in paragraph (19).

20. The Defendant admits the allegations set forth in paragraph (20).

21. The Defendant admits the allegations in part as to Foundation but is without sufficient information to admit or deny the allegations as to West Town and AENB set forth in paragraph (21).

22. The Defendant is without sufficient information to admit or deny the allegations in paragraph (22).

23. The Defendant admits the allegations set forth in paragraph (23).

24-25. The Defendant is without sufficient information to admit or deny the allegations in paragraphs (24) and (25).

COUNT I
(Determination of Priority of Liens and Amounts of Secured Claims)

26. The Defendant repeats and re-alleges paragraphs (1) through (25) above and hereby incorporates by reference as if fully set forth herein.

27. The Defendant admits the allegations in part as to Foundation but is without sufficient information to admit or deny the allegations as to West Town and AENB as set forth in paragraph (27).

28. The Defendant is without sufficient information to admit or deny the allegations in paragraph (28).

29. Paragraph (29) is an allegation which does not require a response but if a response is required, the Defendant denies the allegations in said paragraph.

COUNT II
(Avoidance of Fundation Lien)

30. The Defendant repeats and re-alleges paragraphs (1) through (29) above and hereby incorporates by reference as if fully set forth herein.

31. The Defendant admits the allegations as set forth in paragraph (31).

32. The Defendant is without sufficient knowledge to either admit or deny the allegations as set forth in paragraph (32).

33. The Defendant admits the allegations set forth in paragraph (33).

34. The Defendant denies the allegations set forth in paragraph (34).

COUNT III
(Avoidance of AENB Lien)

35. The Defendant repeats and re-alleges paragraphs (1) through (34) above and hereby incorporates by reference as if fully set forth herein.

36-40. Paragraphs (36) through (40) are allegations which do not require responses from Fundation but if responses are required, the Defendant denies the allegations in said paragraphs.

AFFIRMATIVE DEFENSES

WHEREFORE, FUNDATION hereby asserts and interposes the following affirmative defenses:

- a. Foundation pleads the affirmative defense of failure to state a claim upon which relief can be granted;
- b. Foundation pleads the affirmative defense of estoppel;
- c. Foundation pleads the affirmative defense of laches;
- d. Foundation pleads the affirmative defense of waiver;
- e. Foundation pleads the affirmative defense of unjust enrichment;
- f. Foundation pleads the affirmative defense of quantum meruit;
- g. Foundation pleads the affirmative defense of failure to mitigate damages;
- h. Foundation pleads the affirmative defense of ratification.

WHEREFORE, the Defendant, Foundation Group, LLC, respectfully requests that this Court:

- A. Deny the Plaintiff's Prayers in the Complaint;
- B. Grant any other relief the Court deems Mete, Just and Equitable.

Respectfully submitted,
Fundation Group, LLC
By and through its attorneys,

Date: 1-11-2021

By: /s/ William J. Amann
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CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, a copy of the foregoing was served upon all the registered parties in this case by CM/ECF or by first-class mail, postage prepaid.

Date: 1-11-2021

By: /s/ William J. Amann

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